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| MCKENNA LONG & ALDRIDGE LLP 1900 K STREET, NW WASHINGTON, DC 20006 | | | EXAMINER KHAN, AITAB N | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/589,196

Applicant(s)

GEGOUT, CEDRIC

Examiner

AFTAB KHAN

Art Unit

2454

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/04/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. Claims 1-17 are presented for examination as amended.

Response to Arguments

2. Applicant's arguments with respect to claim 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 9, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. **Referring to Claim 7**, the claim states "the method as claimed in claim 6, taken in combination with claim 5". The metes and bounds of the claim are unclear. It is being interpreted as "the method as claimed in claim 6" for examination purposes. Appropriate changes are required to further clarify the scope of the invention.

6. **Referring to claim 9**, the limitations "Low level functions". The examiner views the phrase as "programmable code". Term Low-level is a relative term utilized for binary code programming VHDL programming, assembly language programming etc. It is being interpreted as programmable code that invokes these functions. Appropriate

changes are required to further clarify the claim language.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. The claimed invention is directed to non-statutory subject matter. Claims 15-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed to software per se, which does not fall into the categories of "process", "machine", "manufacture" and "composition of matter".
3. Referring to Claim 12 -17, recite a limitation which comprises a "signal comprising a computer code", which direct the claim to **Signal per se**.
4. The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal per se, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. See *In re Nuijten*, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and Interim Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009; p. 2

5. Claim directed to computer readable media that cover signals per se, which the USPTO must reject under 35 U.S.C. § 101 as covering both non-statutory subject matter and statutory subject matter. A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-9 and 11-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Hui et al. hereinafter "Hui" (US pub 2004/0163045).

8. **Referring to Claim 1**, Hui teaches a method of editing multimedia pages on a terminal (Fig 3, 15 = server, 1= terminal using internet, item 10 = internet), comprising:

supplying, from a server to at least one terminal, multimedia pages in a form of object arrangement instructions, in order to arrange objects in a graphic scene, each object being identified by a set of associated parameters ([0006], multi-media objects

are delivered Fig 2a, objects identified by parameters, Fig 3, Medial Pages supplied to terminal)).

transmitting, from the server, at least a part of said set of associated parameters and an instruction to store said part of said set of associated parameters in a memory of the terminal ([0036], set of associated markers and set of attribute assigned to each function of the object being transmitted from the server to the terminal [0065], File storage stores the sources files) and

transmitting, from the server, an instruction to restore said part of said set of associated parameters previously stored in said memory of the terminal, to edit at least one multimedia page in which an object identified by said set of associated parameters occurs ([005]-[0010] and [0030] Programming language contains instructions to restore previously store parameter and video presentation objects are editable).

9. **Referring to Claim 2**, Hui teaches the method as claimed in claim 1, wherein the instruction to restore is repeated to edit a number of multimedia pages in which said object occurs ([0030], editing of multi-media object based on events).

10. **Referring to Claim 3**, Hui teaches the method as claimed in claim 1, wherein said parameters comprise at least declarative attributes of an arrangement of the object in a multimedia page ([0075], attributes include order number, i.e. arrangement of objects, in object oriented programming object must be declared and identified as is the case with JAVA, XML etc).

11. **Referring to Claim 4**, Hui teaches the method as claimed in claim 3, wherein said parameters also include an identifier of a memory area of the terminal allocated to

store said attributes ([0062], RAM is the volatile memory, that stores attributes for quick access with the corresponding pointer location).

12. **Referring to Claim 5**, Hui teaches the method as claimed in claim 4, wherein the restore instruction includes the identifier of said memory area to retrieve said attributes (Fig 1, item 170, <video src = "V31.mpg"/> retrieving of stored attributes).

13. **Referring to Claim 6**, Hui teaches the method as claimed in claim 1, further comprising:

transmitting, from the server to the at least one terminal, an instruction to delete said part of said set of associated parameters, to edit at least one multimedia page in which said object identified by said set of associated parameters occurs ([0007], deleting images of animation, include deleting of part of set of associated parameters with a given object).

14. **Referring to Claim 7**, Hui teaches the method as claimed in claim 6, taken in combination with claim 5, wherein the instruction to delete includes the identifier of said memory area of the terminal to delete from said memory area the set of associated parameters ([0074]-[0088], action element defined to delete instructions from memory area of terminal).

15. **Referring to Claim 8**, Hui teaches the method as claimed in claim 1, wherein said instructions are transmitted in packets from the server to the terminal ([0064], packet transmission).

16. **Referring to Claim 9**, Hui teaches the method as claimed in claim 1, wherein said instructions are in the form of commands corresponding to low-level functions ([0081], low level command include rudimentary functions).

17. **Referring to Claim 11**, Hui teaches the method as claimed in claim 1, wherein said object is a graphic object comprising at least one:

an image (Fig. 8a image),

a sequence of images ([0108], sequence of image `Img src="Image.sub.1.gif`),

a sequence of 2D synthetic images ([110], 2D image is a picture image such as Gif or any other clickable image `"Image.sub.1"`)

, and

a sequence of 3D synthetic images ([103], Video Objects are 3D sequence of images).

18. **Referring to Claim 12**, Hui teaches a computer readable medium storing a program product in the form of computer code, wherein said program product includes an instruction to store, in a memory of a terminal, at least one parameter of at least one object intended to be arranged, according to said parameter, in a multimedia page suitable for editing on said terminal ([0079], order number indicates arrangement according to said attribute).

19. **Referring to Claim 13**, Hui teaches a computer readable medium storing a program product in the form of computer code wherein said program product includes an instruction to restore at least one parameter previously stored in a memory of a terminal, said at least one parameter being associated with at least one object intended

to be arranged, according to said parameter, in a multimedia page suitable for editing on said terminal ([005]-[0010] and [0030] Programming language contains instructions to restore previously store parameter and video presentation objects are editable).

20. **Referring to Claim 14**, Hui teaches a computer readable medium storing a program product in the form of computer code, wherein said program product includes an instruction to delete at least one parameter previously stored in a memory of a terminal and associated with at least one object to be arranged, according to said at least one parameter, in a multimedia page edited on said at least one terminal ([0007], delete an animation constitutes deletion of related parameters associated with that animation).

21. **Referring to Claim 15**, Hui teaches a computer readable medium storing a signal comprising a computer code, wherein said code contains an instruction to store, in a memory of a terminal, at least one parameter of at least one object intended to be arranged, according to said at least one parameter in a multimedia page suitable for editing on said terminal ([0059], File editor application).

22. **Referring to Claim 16**, Hui teaches a computer readable medium storing a signal comprising a computer code, wherein the code includes an instruction to restore at least one parameter previously stored in a memory of a terminal, said at least one parameter being associated with at least one object intended to be arranged, according to said at least one parameter, in a multimedia page suitable for editing on said terminal ([005]-[0010] and [0030] Programming language contains instructions to restore previously store parameter and video presentation objects are editable).

23. **Referring to Claim 17**, Hui teaches a computer readable medium storing a signal comprising a computer code, wherein the code includes an instruction to delete at least one parameter previously stored in a memory of a terminal and associated with at least one object to be arranged, according to said at least one parameter, in a multimedia page edited on said terminal ([0007], deletion of animation along with its associated parameters).

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
25. Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Hui in view of Salmi (US 2001/0040900 A1).
26. Claim 10, Hui in combination with Salmi teaches the method as claimed in claim 1, wherein the at least one terminal is a mobile terminal arranged to cooperate with a

cellular network (Salmi: Fig 3, mobile terminal arranged to cooperate with cellular network).

Hui does not teach a terminal to be a mobile terminal capable of interaction with Cellular network.

However, Salmi teaches a mobile terminal capable of interaction with Cellular network (See Fig3).

It would have been obvious to a person with ordinary skill in the art at the time invention was made to include web page related features of editing media pages on personal computer and implement it on the mobile terminals. Mobile terminal such as PDA having browsing capabilities and having access to internet make it possible for such extension of features.

A person with ordinary skills in the art would have been motivated to provide a method and system for editing multimedia pages on mobile terminal for providing flexibility and efficiency in graphics rendition.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AFTAB KHAN whose telephone number is (571)270-5172. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NATHAN FLYNN can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/NATHAN FLYNN/
Supervisory Patent Examiner, Art Unit 2454**

/A. K./
March 02, 2010
Examiner, Art Unit 2454